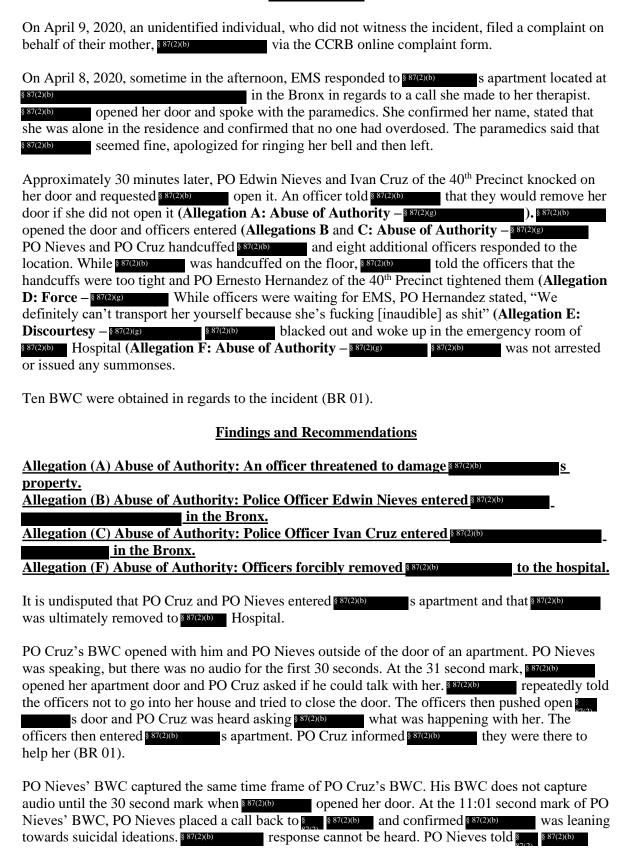
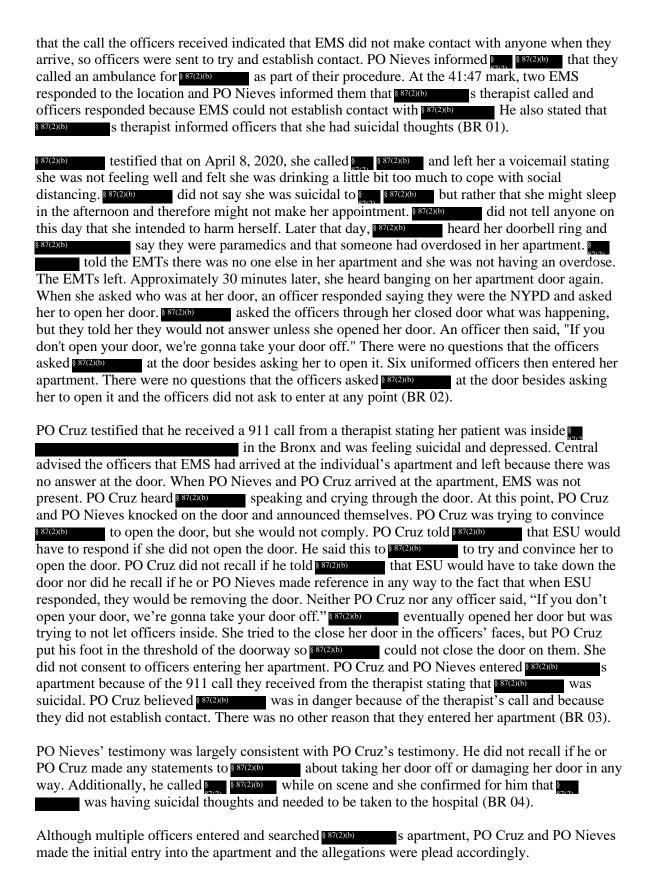
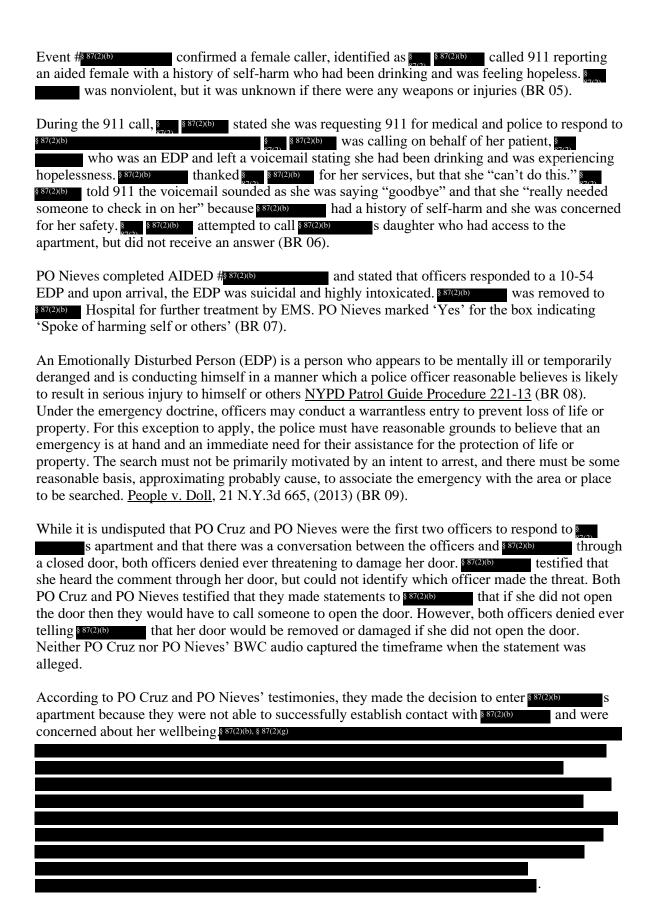
CCRB INVESTIGATIVE RECOMMENDATION

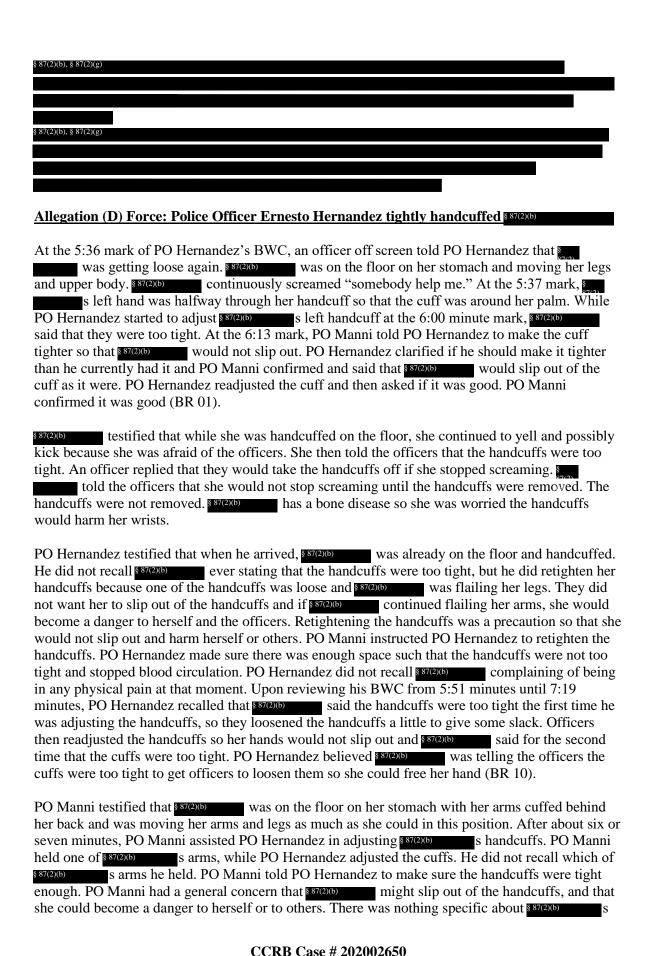
Investigator:		Team:	CCRB Case #:		Force	7]	Discourt.	□ U.S.
Julia Moran		Squad #6	202002650	1	Abuse	_	O.L.	☐ C.S. ✓ Injury
Juna Moran		ισημαία πο	202002030		Auuse	⊔ '	O.L.	™ minini
Incident Date(s)		Location of Incident:		P	recinct:	18 N	Io. SOL	EO SOL
Wednesday, 04/08/2020 4:30 Pl	M	§ 87(2)(b)			40	10/	8/2021	5/4/2022
Date/Time CV Reported		CV Reported At:	How CV Reported	:	Date/Time	Recei	ved at CCl	RB
Thu, 04/09/2020 6:54 PM		CCRB	On-line website		Thu, 04/09	/2020	6:54 PM	
Complainant/Victim	Type	Home Addre	ess	•				
_								
Subject Officer(s)	Shield	TaxID	Command					
1. Officers								
2. POM Edwin Nieves	16878	966738	040 PCT					
3. POM Ivan Cruz	25251	967022	040 PCT					
4. POM Ernesto Hernandez	01562	966617	040 PCT					
5. An officer								
Witness Officer(s)	Shield N	o Tax No	Cmd Name					
1. POM Michael Manni	14081	965303	040 PCT					
2. POM Peter Delohery	29163	967037	040 PCT					
3. POM Jose Tejada	13574	961359	040 PCT					
4. POM Nicholas Roveto	21509	968108	040 PCT					
5. POM Nicholas Haspil	09698	966098	040 PCT					
6. POM Tomasz Pustelny	00801	966789	040 PCT					
7. POM Kelvin Perez	16887	966770	040 PCT					
Officer(s)	Allegatio	on			Inve	stigat	or Recon	nmendation
A. An officer	Abuse: A property.	an officer threatened to	damage ^{§ 87(2)(b)}		S			
B.POM Edwin Nieves	Abuse: P	olice Officer Edwin Nie in the l	eves entered § 87(2)(b) Bronx					
C.POM Ivan Cruz	Abuse: P	olice Officer Ivan Cruz in the I						
D.POM Ernesto Hernandez	Force: Possible 87(2)(b)	olice Officer Ernesto He	ernandez tightly hand	dcuff	ed			
E.POM Ernesto Hernandez	Discourte discourte	esy: Police Officer Erne cously to \$87(2)(b)	sto Hernandez spok	e				
F. Officers	Abuse: Chospital.	Officers forcibly remove	d § 87(2)(b)	to th	ne			

Case Summary









actions at this point that caused PO Manni to believe that she would be a danger to herself or to others. S87(2)(6) s arms did not come out of the handcuffs at any point (BR 11).
Force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. Members of service shall not use any level of force on handcuffed or otherwise restrained subjects unless necessary to prevent injury, escape, or to overcome active physical resistance or assault <u>Patrol Guide 221-01</u> (BR 12).
§ 87(2)(b), § 87(2)(g)
·
Allegation (E) Discourtesy: Police Officer Ernesto Hernandez spoke discourteously to
It is undisputed that PO Hernandez used profanity while interacting with § 87(2)(6)
At 8:22 minutes of PO Hernandez's BWC, he said, "Fantastic. Well, we definitely can't transport her yourself because she's fucking [inaudible] as shit."
PO Hernandez testified that he used profanity when interacting with \$87(2)(b) because he was frustrated with the situation. PO Hernandez told another officer that \$87(2)(b) had "gone to shit," but did not direct the comment to \$87(2)(b) He acknowledged \$87(2)(b) was in the vicinity when he made the comment and most likely heard the comment.
DAO-DCT Case number 2017-17005 states that the tribunal has held that profane remarks, made during stressful situations or while an officer is trying to get a chaotic situation under control, are not misconduct (BR 13). The NYPD is committed to accomplishing its mission by treating every citizen with compassion, courtesy, professionalism and respect. Officers pledge to value human life, respect the dignity of each individual and render our services with courtesy and civility, Patrol Guide Section 200-02 (BR 14).
§ 87(2)(b), § 87(2)(g)
Civilian and Officer CCRB Histories

CCRB Case # 202002650

- This is the first CCRB complaint to which \$87(2)(b) has been a party (BR 15).
- PO Nieves has been a member-of-service for two years and this is the first CCRB complaint to which he has been a subject (BR 16).
- PO Cruz has been a member of service for two years and has been a subject in two CCRB complaints and four allegations, none of which were substantiated. (BR 17).
- PO Hernandez has been a member of service for two years and has been a subject in one CCRB complaint and one allegation, which was not substantiated.

 [PD 18]

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- As of July 27, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint (BR 19).

• § 87(2)(b), § 87(2)(c)) (impair contract awards or CBAs)		
Squad:	<u>6</u>		
Investigator:	Julia Moran Signature	Inv. Julia Moran Print Title & Name	<u>10/06/2021</u> Date
Squad Leader:	Jessica Peña	IM Jessica Peña 10/8/2021	
	Signature	Print Title & Name	Date
Reviewer:		Di (Titl 0 M	
	Signature	Print Title & Name	Date